

(B) peptides comprising a sequence ranging from 3 to 30 amino acids contained in SEQ ID NO:1, including the mixture of claim 4, part d, which requires such peptides based upon SEQ ID NO:1;

(C) SEQ ID NO:3, including the mixtures of claim 4, parts d and e, which require SEQ ID NO:3;

(D) SEQ ID NO:5, including the mixture of claim 4, part e, which requires SEQ ID NO:5; and

(E) SEQ ID NO:6, including the mixture of claim 4, part e, which requires SEQ ID NO:6.

Office Action, page 2. The Examiner further indicates that claims 1, 5, 6, and 8-26 are generic and will be examined with any elected sequence.

In response, Applicants hereby elect, with traverse, group (A) SEQ ID NO:2, including the variants of claims 3 and the mixtures of claim 4, parts d and e, which require SEQ ID NO:2. Applicants further respectfully submit that, in addition to claims 3 and 4 (partially including parts (d) and (e)), which are indicated by the Examiner reciting SEQ ID NO:2, claim 2 also recites SEQ ID NO:2. Accordingly, with this election, claims 1-3, 4 (partial), 5, 6, and 8-26 are subject to examination.

Applicants traverse the election requirement on the ground that the Examiner has not shown that there would be a serious burden to examine all six (6) sequences recited in the present claims. See M.P.E.P. § 803. Instead, M.P.E.P. § 803.04 clearly indicates that “[i]t has been determined that normally ten sequences constitute a reasonable number for examination purposes. Accordingly, in most cases, up to ten independent and distinct nucleotide sequences will be examined in a single application without

Attorney Docket No. 05725.1106-00000
Application No.: 10/705,857

restriction." (Emphasis added). Here, there are total of six (6) sequences recited in the present claims. This number falls within the above-cited "reasonable number," i.e., ten (10), for examination purposes, and thus all six (6) sequences should be examined together without restriction as instructed by the M.P.E.P. Accordingly, Applicants respectfully request that the full scope of the claimed invention be examined in this application without an election requirement.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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